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10 THROY OTANES

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THROY OTANES,

Plaintiff,

CASE NO. CV 07 5936 MHP

vs.

HYATT REGENCY HOTEL
(BURLINGAME), ET AL.

Defendant.

[PROPOSED]
STIPULATED ORDER TO
DISMISS PLAINTIFF'S CAUSE
OF ACTION FOR BREACH OF
CONTRACT AND CAUSE OF
ACTION FOR BREACH OF THE
COVENANT OF GOOD FAITH
AND FAIR DEALING

Plaintiff THROY OTANES, by and through her counsel of record, May Antoinette G. Teodoro, and defendants HYATT REGENCY CORPORATION dba HYATT REGENCY SAN FRANCISCO AIRPORT (erroneously named HYATT REGENCY HOTEL [BURLINGAME]), JIMMY FLORES,

1 RON GRAY, TOM PHIPPS and JOSE REYES, by and through his attorney of record, Lisa M. van
2 Krieken, hereby stipulate as follows:

3 1. Both counsels met and conferred on the viability of two (2) causes of action of the
4 plaintiff's Complaint, to wit: (a) First Cause of Action for Breach of Contract against defendant HYATT
5 CORPORATION dba HYATT REGENCY SAN FRANCISCO AIRPORT and (b) Second Cause of
6 Action for Breach of the Covenant of Good Faith and Fair Dealing against defendant HYATT
7 CORPORATION dba HYATT REGENCY SAN FRANCISCO AIRPORT, and agreed that under the
8 facts of the case, said causes of action cannot be sustained.

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10 2. In order to prevent unnecessary expense or needlessly delay the proceedings, Counsels
11 agree to have said causes of action dismissed without further need for plaintiff to amend her Complaint
12 or require defendant to file amended Answer.

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16 Dated: _____

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18 MAY ANTOINETTE G. TEODORO
19 Attorney for Plaintiff THHROY OTANES

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21 Dated: _____

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23 LISA M. VAN KRIEKEN
24 Attorney for Defendant HYATT CORPORATION
25 dba HYATT REGENCY SAN FRANCISCO
26 AIRPORT, JIMMY FLORES, RON GRAY,
27 TOM PHIPPS and JOSE REYES

PROPOSED ORDER

Good cause appearing, the foregoing stipulation is adopted by this court as the Order in this action and shall govern all further proceedings in this action.

IT IS SO ORDERED.

Dated: _____

MARILYN HALL PATEL
United States District Court Judge